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FILED
04/03/2023
Sara Calkins
CLERK
Montana Water Court
STATE OF MONTANA
By: D'Ann CIGLER
43B-1031-R-2021
Stern, Anika
39.00

MONTANA WATER COURT, YELLOWSTONE DIVISION
YELLOWSTONE RIVER ABOVE AND INCLUDING BRIDGER CREEK BASIN
BASIN 43B
PRELIMINARY DECREE

CLAIMANTS: Goodman Resources LTD; Audrey T. Coll
OBJECTOR: Goodman Resources LTD
NOTICE OF INTENT TO APPEAR: Mountain Sky Guest
Ranch, LLC

CASE 43B-1031-R-2021
43B 143284-00
43B 143285-00
43B 143287-00
43B 195183-00
43B 30159529
43B 30159530

NOTICE OF FILING OF MASTER'S REPORT

This Master's Report was filed with the Montana Water Court on the above-stamped date. Please review this report carefully.

You may file a written objection to this Master's Report within **10 days** of the stamped date if you disagree or find errors with the Master's findings of fact, conclusions of law, or recommendations. Rule 23, W.R.Adj.R. If the Master's Report was mailed to you, the Montana Rules of Civil Procedure allow an additional 3 days be added to the 10-day objection period. Rule 6(d), M.R.Civ.P. If you file an objection, you must serve a copy of the objection to all parties on the service list found at the end of the Master's Report. The original objection and a certificate of mailing to all parties on the service list must be filed with the Water Court.

If you do not file a timely objection, the Water Court will conclude that you agree with the content of this Master's Report.

MASTER'S REPORT

FINDINGS OF FACT

1. Audrey T. Coll (Coll) is a record co-owner of claims 43B 143284-00, 43B 143285-00, and 43B 143287-00. Goodman Resources Ltd (Goodman) is a record co-owner of claims 43B 143284-00, 43B 143285-00, 43B 143287-00, Goodman is the owner of claim 43B 195183-00.

2. Claims 43B 143284-00, 43B 143285-00, 43B 143287-00, and 43B 195183-00 were decreed with DNRC issue remarks:

43B 143284-00:

THE CLAIMED FLOW RATE EXCEEDS THE 80 MINERS INCHES OF BIG CREEK DECREED IN CASE NO. 3028 , GALLATIN COUNTY.

THE LEGAL LAND DESCRIPTION FOR POINTS OF DIVERSION NO. 1 AND 2 COULD NOT BE REFINED FROM INFORMATION IN THE FILE. THE CLAIMED POINTS OF DIVERSION CANNOT BE CONFIRMED.

THE POINT OF DIVERSION FOR NO. 2 APPEARS INCORRECT. THE POINT OF DIVERSION NO. 2 APPEARS TO BE IN RANGE 8E, ALTHOUGH THE EXACT LOCATION IS UNABLE TO BE CONFIRMED.

43B 143285-00:

A LATE OBJECTION HAS BEEN FILED TO THE PRIORITY DATE OF THIS WATER RIGHT CLAIM. IT WILL BE RESOLVED DURING THE ADJUDICATION OF OBJECTIONS TO THE PRELIMINARY DECREE.

THE FLOW RATE, TOTAL ACRES IRRIGATED, AND PLACE OF USE MAY BE INCORRECT. SEE DNRC MEMORANDUM DATED 08/24/88.

POINT OF DIVERSION WAS MODIFIED AS A RESULT OF DNRC REVIEW UNDER MONTANA WATER COURT REEXAMINATION ORDERS. IF NO OBJECTIONS ARE FILED TO THIS CLAIM, THESE ELEMENTS WILL REMAIN AS THEY APPEAR ON THIS ABSTRACT AND THE REMARK WILL BE REMOVED FROM THE CLAIM.

43B 143287-00:

POINT OF DIVERSION WAS MODIFIED AS A RESULT OF DNRC REVIEW UNDER MONTANA WATER COURT REEXAMINATION ORDERS. IF NO OBJECTIONS ARE FILED TO THIS CLAIM, THESE ELEMENTS WILL REMAIN AS THEY APPEAR ON THIS ABSTRACT AND THE REMARK WILL BE REMOVED FROM THE CLAIM.

43B 195183-00:

THE LEGAL LAND DESCRIPTION FOR POINTS OF DIVERSION NO. 1 AND 2 COULD NOT BE REFINED FROM INFORMATION IN THE FILE. THE CLAIMED POINTS OF DIVERSION CANNOT BE CONFIRMED.

THE POINT OF DIVERSION FOR NO. 2 APPEARS INCORRECT. THE POINT OF DIVERSION NO. 2 APPEARS TO BE IN RANGE 8E, ALTHOUGH THE EXACT LOCATION IS UNABLE TO BE CONFIRMED.

3. Goodman objected to claims 43B 143284-00, 43B 143285-00, 43B 143287-00, and 43B 195183-00.

4. Mountain Sky Guest Ranch LLC (Mountain Sky) filed Notices of Intent to Appear for claims 43B 143284-00, 43B 143285-00, and 43B 195183-00.

5. After months nearing settlement, including stating to mediator Nathan Block that the issues in the Case were resolved, Goodman filed the last signature needed for the Settlement Agreement on March 16, 2023. (Doc. 36.00)¹

6. The Settlement Agreement includes the following statement:

C. The Parties mutually desire to resolve their differences pertaining to Claimants' above-stated water rights in the Preliminary Decree, the issue remarks, Objections, and the Notices of Intent to Appear.

The Settlement Report does not specifically state that the Objections or Notice of Intent to Appear concerns have been resolved.

Claim 43B 143284-00 and Split Claim 43B 30159529:

7. Claim 43B 143284-00 was decreed in Park County Case No. 3028 with an 80 MI (2.00 cfs) flow rate, measured at a secondary point of diversion.

8. The parties agree claim 43B 143284-00 should be split, representing the different ownership interests.

9. Pursuant to the Settlement Agreement, the parties agree the following modifications should be made to claim 43B 143284-00, addressing the issue remarks decreed on the claim, reflecting the historical use of the claim, and representing the interest currently owned by Coll:

43B 143284-00:

Owners: AUDREY T COLL
12140 SW 101 AVE
MIAMI, FL 33176 4869

GOODMAN RESOURCES LTD
007 FM 2288
SAN ANGELO, TX 76901

Flow Rate: 1.10 2.03 CFS

THE FLOW RATE IS MEASURED AT THE SECONDARY POINT OF DIVERSION IN THE SESESW OF SECTION 7, T6S, R8E.

Maximum Acres: 80.00 44.00

¹ "Doc." numerical references correlate to case file docket numbers in the Water Court's Full Court case management system.

*Point of Diversion and Means of Diversion:

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1	SECONDARY	SESESW	7	6S	8E	PARK
Period of Diversion: APRIL 1 TO OCTOBER 1						
Diversion Means: DITCH						
2	NWNENW	NWNWNE	22	6S	7E	PARK
Period of Diversion: APRIL 1 TO OCTOBER 1						
Diversion Means: HEADGATE						
Ditch Name: MUTUAL DITCH						

POINT OF DIVERSION 01 IS A SECONDARY DITCH OFF OF THE MUTUAL DITCH, AT THE PLACE OF USE, WHERE THE FLOW RATE IS MEASURED PURSUANT TO THE BIG CREEK DECREE, CAUSE NO. 3028, PARK COUNTY.

Place of Use:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1	00.00	44.00	SESE	SE	7	6S	8E PARK
Total:	00.00	44.00					

10. Pursuant to the Settlement Agreement, the parties agree the following child right should be generated from parent claim 43B 143284-00, representing the interest currently owned by Goodman:

43B 30159529:

Owners:

AUDREY T COLL
12140 SW 101 AVE
MIAMI, FL 33178-4880

GOODMAN RESOURCES LTD
997 FM 2288
SAN ANGELO, TX 76901

Flow Rate: 403.92 GPM 37.50 CFS

THE FLOW RATE IS MEASURED AT THE SECONDARY POINT OF DIVERSION IN THE SESESW OF SECTION 7, T6S, R8E.

Maximum Acres: 36.00 80.00

Maximum Acres: 36.00 80.00

*Point of Diversion and Means of Diversion:

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1	SECONDARY	SESESW	7	6S	8E	PARK
Period of Diversion: APRIL 1 TO OCTOBER 1						
Diversion Means: DITCH						
2	NWNENW	NWNWNE	22	6S	7E	PARK
Period of Diversion: APRIL 1 TO OCTOBER 1						
Diversion Means: HEADGATE						
Ditch Name: MUTUAL DITCH						

POINT OF DIVERSION 01 IS A SECONDARY DITCH OFF OF THE MUTUAL DITCH, AT THE PLACE OF USE, WHERE THE FLOW RATE IS MEASURED PURSUANT TO THE BIG CREEK DECREE, CAUSE NO. 3028, PARK COUNTY.

Place of Use:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1	36.00	00.00	SWSE	SE	7	6S	8E PARK
Total:	36.00	00.00					

Claim 43B 143285-00 and Split Claim 43B 30159530:

11. Claim 43B 143285-00 was decreed with an April 1, 1955 priority date. During the Temporary Preliminary Decree, a Stipulation was filed indicating the priority date should be modified to May 1, 1919; a copy of the Stipulation is in the claim file. The terms of the Stipulation were not implemented as to claim 43B 143285-00 because claim 43B 143285-00 was not on the Temporary Preliminary Decree Objection List. Instead, an issue remark was placed on claim 43B 143285-00 in the Preliminary Decree so the priority date could be addressed during the present decree.

12. The parties agree claim 43B 143285-00 should be split, representing the different ownership interests.

13. Pursuant to the Settlement Agreement, the parties agree the following modifications should be made to claim 43B 143285-00, addressing the issue remarks decreed on the claim, reflecting the historical use of the claim, and representing the interest currently owned by Coll:

43B 143285-00:

Owners: AUDREY T COLL
12140 SW 101 AVE
MIAMI, FL 33176 4869

GOODMAN RESOURCES LTD
007 FM 2288
SAN ANGELO, TX 76901

Priority Date: APRIL 1, 1955 MAY 1, 1919

Maximum Acres: 80.00 44.00

Point of Diversion and Means of Diversion:

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1		NWNENW	22	6S	7E	PARK

Period of Diversion: APRIL 1 TO OCTOBER 1

Diversion Means: HEADGATE

Ditch Name: MUTUAL DITCH

Please add second (secondary) POD

2 SECONDARY

SESESW 7 6S 8E PARK

Period of Diversion: APRIL 1 TO OCTOBER 1

Place of Use:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1	44.00 80.00		SESE SE	7	6S	8E	PARK
Total:	44.00 80.00						

14. Pursuant to the Settlement Agreement, the parties agree the following child right should be generated from parent claim 43B 143285-00, representing the interest currently owned by Goodman:

43B 30159530:

Owners: ~~AUDREY T COLL~~
~~12140 SW 101 AVE~~
~~MIAMI, FL 33178 4880~~
 GOODMAN RESOURCES LTD
 997 FM 2288
 SAN ANGELO, TX 76901

Priority Date: ~~APRIL 1, 1956~~ MAY 1, 1919

Flow Rate: 1.36 3.03 CFS

Maximum Acres: 80.00 36.00

Point of Diversion and Means of Diversion:

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1		NWNENW	22	6S	7E	PARK

Period of Diversion: APRIL 1 TO OCTOBER 1
Diversion Means: HEADGATE
Ditch Name: MUTUAL DITCH

Please add second (secondary) POD
 2 SECONDARY
 SESESW 7 6S 8E PARK
 Period of Diversion: APRIL 1 TO OCTOBER 1

Place of Use:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1	80.00	36.00	SWSE	SE	7	6S	8E PARK
Total:	80.00	36.00					

Claim 43B 195183-00:

15. Pursuant to the Settlement Agreement, the parties agree the following modifications should be made to claim 43B 195183-00, addressing the issue remarks and reflecting the historical use of the claim:

***Point of Diversion and Means of Diversion:**

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1	NWNENW	NWNWNE	22	6S	7E	PARK

Period of Diversion: APRIL 1 TO OCTOBER 31
Diversion Means: HEADGATE
Ditch Name: MUTUAL DITCH

2	SECONDARY	SESESW	7	6S	8E	PARK
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Period of Diversion: APRIL 1 TO OCTOBER 31
Diversion Means: DITCH

POINT OF DIVERSION NO. 02 IS SECONDARY DITCH OFF OF THE MUTUAL DITCH, AT THE PLACE OF USE, WHERE THE FLOW RATE IS MEASURED PURSUANT TO THE BIG CREEK DECREE CAUSE NO. 3025, PARK COUNTY.

PRINCIPLES AND CONCLUSIONS OF LAW

1. The Water Court is required to address all issue remarks that appear on a claim as well as any objections the claim receives. Sections 85-2-233, 85-2-247, and 85-2-248, MCA.

2. A properly filed Statement of Claim for an existing water right is prima facie proof of its content. Section 85-2-227, MCA. This prima facie validity may be overcome by evidence showing that one or more elements of the claim are incorrect.

This standard of proof applies to objectors or claimants objecting to their own water right claims. Rule 19, W.R.Adj.R., *Nelson v. Brooks*, 2014 MT 120; 375 Mont.86, 95; 329 P.3d 558, 564.

3. Pursuant to Rule 26, Water Right Adj. Rules, the Water Court may split claims into separate claims. Based on information included in the Settlement Agreement, claims 43B 30159529 and 43B 30159530 should be generated to reflect individual ownership interests in the claimed place of use. Because there is no potential adverse effect on other water users, the notice requirements found in section 85-2-233 (6), MCA do not apply.

4. The point of diversion issue remark decreed on claim 43B 143287-00 is a notice-type issue remark. As the Objection has been resolved, no further proceedings are required.

RECOMMENDATIONS

1. The changes described in the Findings of Fact should be made to the claims in this Case.

2. The issue remarks should be removed from the claims in this Case.

3. Goodman Resources Ltd's Objections should be dismissed as the changes discussed in the Settlement Agreement have been recommended for the claims in the Case. Likewise, Mountain Sky Guest Ranch's Notices of Intent to Appear should be dismissed as addressed.

4. Post Decree Abstracts of Water Right Claims are served with the Report for review.

ELECTRONICALLY SIGNED AND DATED BELOW.

Service Via Electronic Mail:

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Caption Updated 4.3.23

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
BASIN 43B

Water Right Number: 43B 143284-00 STATEMENT OF CLAIM
Version: 4 -- POST DECREE
Status: ACTIVE

Owners: AUDREY T COLL
12140 SW 101 AVE
MIAMI, FL 33176 4869

Priority Date: JUNE 30, 1900

Type of Historical Right: DECREED

Purpose (use): IRRIGATION
Irrigation Type: FLOOD

Flow Rate: 1.10 CFS
THE FLOW RATE IS MEASURED AT THE SECONDARY POINT OF DIVERSION IN THE SESESW OF SECTION 7, T6S, R8E.

***Volume:** THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

Climatic Area: 4 - MODERATELY LOW

Maximum Acres: 44.00

***Source Name:** BIG CREEK
Source Type: SURFACE WATER

***Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1 - SECONDARY		SESESW	7	6S	8E	PARK
Period of Diversion:	APRIL 1 TO OCTOBER 1					
Diversion Means:	DITCH					
2		NWNENW	22	6S	7E	PARK
Period of Diversion:	APRIL 1 TO OCTOBER 1					
Diversion Means:	HEADGATE					
Ditch Name:	MUTUAL DITCH					

POINT OF DIVERSION 01 IS A SECONDARY DITCH OFF OF THE MUTUAL DITCH, AT THE PLACE OF USE, WHERE THE FLOW RATE IS MEASURED PURSUANT TO THE BIG CREEK DECREE, CAUSE NO. 3028, PARK COUNTY.

Period of Use: APRIL 1 TO OCTOBER 1

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	44.00		SESE	7	6S	8E	PARK
Total:	44.00						

Remarks:

SPLIT CLAIM NO. 43B 30159529 WAS AUTHORIZED AND GENERATED BASED ON INFORMATION IN THIS CLAIM.

THIS CLAIM IS SUBJECT TO A PRIVATE AGREEMENT CONTAINED IN THE STIPULATION FILED 05/12/1995 AND LOCATED IN THE MASTER'S REPORT IN THE CASE OR CLAIM FILE.

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
BASIN 43B

Water Right Number: 43B 143285-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: AUDREY T COLL
12140 SW 101 AVE
MIAMI, FL 33176 4869

Priority Date: MAY 1, 1919

Type of Historical Right: USE

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 1.67 CFS

Volume: THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

Climatic Area: 4 - MODERATELY LOW

Maximum Acres: 44.00

Source Name: BIG CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NWNENW	22	6S	7E	PARK

Period of Diversion: APRIL 1 TO OCTOBER 1

Diversion Means: HEADGATE

Ditch Name: MUTUAL DITCH

2 - SECONDARY		SESESW	7	6S	8E	PARK
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Period of Diversion: APRIL 1 TO OCTOBER 1

Diversion Means: HEADGATE

Period of Use: APRIL 1 TO OCTOBER 1

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	44.00		SESE	7	6S	8E	PARK

Total: 44.00

Remarks:

SPLIT CLAIM NO. 43B 30159530 WAS AUTHORIZED AND GENERATED BASED ON INFORMATION IN THIS CLAIM.

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
BASIN 43B

Water Right Number: 43B 143287-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: AUDREY T COLL
12140 SW 101 AVE
MIAMI, FL 33176 4869

Priority Date: JUNE 1, 1890

Type of Historical Right: USE

Purpose (use): STOCK

Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED BECAUSE THIS USE CONSISTS OF STOCK DRINKING DIRECTLY FROM THE SOURCE, OR FROM A DITCH SYSTEM. THE FLOW RATE IS LIMITED TO THE MINIMUM AMOUNT HISTORICALLY NECESSARY TO SUSTAIN THIS PURPOSE.

Volume: THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCK WATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.

Source Name: YELLOWSTONE RIVER

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SE	7	6S	8E	PARK

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

Period of Use: JANUARY 1 TO DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			SE	7	6S	8E	PARK

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
BASIN 43B

Water Right Number: 43B 195183-00 STATEMENT OF CLAIM
Version: 3 -- POST DECREE
Status: ACTIVE

Owners: GOODMAN RESOURCES LTD
997 FM 2288
SAN ANGELO, TX 76901

Priority Date: JUNE 30, 1899

Type of Historical Right: DECREED

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

***Flow Rate:** 1.08 CFS

***Volume:** THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

Climatic Area: 4 - MODERATELY LOW

***Maximum Acres:** 22.00

***Source Name:** BIG CREEK

Source Type: SURFACE WATER

***Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NWNENW	22	6S	7E	PARK

Period of Diversion: APRIL 1 TO OCTOBER 31

Diversion Means: HEADGATE

Ditch Name: MUTUAL DITCH

2 - SECONDARY		SESESW	7	6S	8E	PARK
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Period of Diversion: APRIL 1 TO OCTOBER 31

Diversion Means: DITCH

POINT OF DIVERSION NO. 02 IS SECONDARY DITCH OFF OF THE MUTUAL DITCH, AT THE PLACE OF USE, WHERE THE FLOW RATE IS MEASURED PURSUANT TO THE BIG CREEK DECREE CAUSE NO. 3025, PARK COUNTY.

Period of Use: APRIL 1 TO OCTOBER 31

***Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	1.50		SESESW	7	6S	8E	PARK
2	20.50		N2NE	18	6S	8E	PARK

Total: 22.00

THE PLACE OF USE IS WITHIN TRACT 2 OF CERTIFICATE OF SURVEY NO. 150 , PARK COUNTY.

Remarks:

THIS CLAIM IS SUBJECT TO A PRIVATE AGREEMENT CONTAINED IN THE STIPULATION FILED 05/11/1995
LOCATED IN THE MASTER'S REPORT IN THE CLAIM FILE.

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
BASIN 43B

Water Right Number: 43B 30159529 STATEMENT OF CLAIM

Version: 1 -- ORIGINAL RIGHT

Status: ACTIVE

Owners: GOODMAN RESOURCES LTD
997 FM 2288
SAN ANGELO, TX 76901

Priority Date: JUNE 30, 1900

Type of Historical Right: DECREED

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 403.92 GPM

THE FLOW RATE IS MEASURED AT THE SECONDARY POINT OF DIVERSION IN THE SESESW OF SECTION 7, T6S, R8E.

Volume: THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

Climatic Area: 4 - MODERATELY LOW

Maximum Acres: 36.00

Source Name: BIG CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1 - SECONDARY		SESESW	7	6S	8E	PARK

Period of Diversion: APRIL 1 TO OCTOBER 1

Diversion Means: DITCH

2		NWNENW	22	6S	7E	PARK
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Period of Diversion: APRIL 1 TO OCTOBER 1

Diversion Means: HEADGATE

Ditch Name: MUTUAL DITCH

POINT OF DIVERSION 01 IS A SECONDARY DITCH OFF OF THE MUTUAL DITCH, AT THE PLACE OF USE, WHERE THE FLOW RATE IS MEASURED PURSUANT TO THE BIG CREEK DECREE, CAUSE NO. 3028, PARK COUNTY.

Period of Use: APRIL 1 TO OCTOBER 1

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	36.00		SWSE	7	6S	8E	PARK

Total: 36.00

Remarks:

THIS SPLIT CLAIM WAS AUTHORIZED BY THE WATER COURT BASED ON INFORMATION IN CLAIM NO. 43B 143284-00.

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
BASIN 43B

Water Right Number: 43B 30159530 STATEMENT OF CLAIM

Version: 1 -- ORIGINAL RIGHT

Status: ACTIVE

Owners: GOODMAN RESOURCES LTD
997 FM 2288
SAN ANGELO, TX 76901

Priority Date: MAY 1, 1919

Type of Historical Right: USE

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 1.36 CFS

Volume: THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

Climatic Area: 4 - MODERATELY LOW

Maximum Acres: 36.00

Source Name: BIG CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NWNENW	22	6S	7E	PARK

Period of Diversion: APRIL 1 TO OCTOBER 1

Diversion Means: HEADGATE

Ditch Name: MUTUAL DITCH

2 - SECONDARY		SESESW	7	6S	8E	PARK
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Period of Diversion: APRIL 1 TO OCTOBER 1

Diversion Means: HEADGATE

Period of Use: APRIL 1 TO OCTOBER 1

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	36.00		SWSE	7	6S	8E	PARK

Total: 36.00

Remarks:

SPLIT CLAIM NO. 43B 30159530 WAS AUTHORIZED AND GENERATED BASED ON INFORMATION IN THIS CLAIM.